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April 7, 2009

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TEXAS HOUSE OF REPRESENTATIVES  
COMMITTEE ON ELECTIONS  
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April 7, 2009

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1 MS. WHITLOCK: (Continued) If I was at a  
2 nursing home, someone would take me. I think everyone  
3 should have a right to vote. If I know there's going to  
4 be an election, I get all my papers and files  
5 immediately and have them ready to go and vote, and  
6 everyone needs to be responsible for themselves and not  
7 depend on someone else to do everything for them, and  
8 we're just for good elections, and that's all we want  
9 and good politics. Thank you.

10 CHAIRMAN SMITH: Any questions, members,  
11 of Ms. Whitlock?

12 REPRESENTATIVE BROWN: If I may comment?

13 CHAIRMAN SMITH: Representative Brown.

14 REPRESENTATIVE BROWN: Ms. Whitlock, thank  
15 you so much --

16 MS. WHITLOCK: Yes.

17 REPRESENTATIVE BROWN: -- for being  
18 patient with us and waiting to testify. Yes, you've  
19 been here for two days.

20 MS. WHITLOCK: Yes.

21 REPRESENTATIVE BROWN: You used a word  
22 just now that I -- I think we don't discuss enough and  
23 that was responsibility.

24 MS. WHITLOCK: Yes.

25 REPRESENTATIVE BROWN: You know,



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April 7, 2009

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1 regardless of what we do and how far we go to try to  
2 make it easy for everyone, there still remains some  
3 responsibility on the part of the voter.

4 MS. WHITLOCK: Yes.

5 REPRESENTATIVE BROWN: Don't you agree?

6 MS. WHITLOCK: Yes. I'm sorry. I do.

7 REPRESENTATIVE BROWN: I just think  
8 sometimes we just feel like that we can do every -- do  
9 everything for everyone --

10 MS. WHITLOCK: We can't. We've got to  
11 be --

12 REPRESENTATIVE BROWN: -- and it's just  
13 not possible.

14 MS. WHITLOCK: Do things for ourselves  
15 once in a while.

16 REPRESENTATIVE BROWN: That's right.  
17 Thank you.

18 MS. WHITLOCK: Okay.

19 CHAIRMAN SMITH: Any other questions for  
20 Ms. Whitlock, members? Thank you very much.

21 MS. WHITLOCK: Thank you.

22 CHAIRMAN SMITH: I know you've been with  
23 us for a long time.

24 MS. WHITLOCK: Yes.

25 CHAIRMAN SMITH: Thank you. At this time



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April 7, 2009

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1 the chair calls Elaine Adkison, and you're representing  
2 yourself testifying against Senate Bill 362; is that  
3 correct?

4 MS. ADKISON: Yes, sir.

5 CHAIRMAN SMITH: Give us your name for the  
6 record.

7 MS. ADKISON: Elaine Adkison.

8 CHAIRMAN SMITH: Please proceed.

9 MS. ADKISON: Okay. Mr. Chairman, ladies  
10 and gentlemen, thank you for letting me participate  
11 today. My name is Elaine Adkison. I live in  
12 Nacogdoches, and after the sea of red that -- that I've  
13 seen today, I felt right at home. I work on political  
14 campaigns all across east Texas, and I'd like to visit  
15 with you today briefly about my experiences.

16 I interact with voters and county clerks  
17 and voters registrars on a daily basis. Part of my job  
18 is to persuade people to vote. I fought voter apathy,  
19 complacency, and cynicisms everyday. Instead of  
20 encouraging people to vote, this bill will proceed yet  
21 another impediment to that effort. I can assure you I  
22 have heard all the excuses for not voting. I forgot my  
23 dog ate my voter registration certificate. The most  
24 dreaded for Democrats, it was raining outside or the  
25 most common, my vote doesn't count. And there have been



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1 plenty of what in the world were they thinking moments  
2 too. You only have to participate in a recount in east  
3 Texas to understand what I'm talking about with that,  
4 and it just doesn't take much to confuse some voters,  
5 I'll just tell you that.

6 In one county, White-Out was used on early  
7 voting ballots not by the voter. In another county,  
8 electronic voting machines registered suspect results,  
9 but not because of the voter. You of -- All the excuses  
10 and voting anomalies I've encountered, none included the  
11 express concerns that my may be stole -- my voter  
12 registration card from my mail box, down to baseball  
13 cap, sunglasses and a trench coat and self-lingering  
14 around polling locations and impersonating me.

15 I personally went in February to renew my  
16 driver's license. I had to pay \$24. \$24. I'm a single  
17 working mother. That's a tank of gas for me. But I  
18 paid that fee because driving's a privilege, and there  
19 is a cost attached to that. But Representative Veasey  
20 is right. Voting's a right, and that price has already  
21 been paid.

22 Just today we've identified additional  
23 problems not addressed by this bill and solutions  
24 offered by others. So why rush this bill to law. Why  
25 not sunset it and study the unique effects to Texas, not



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1 for other states. We all admit there are inadequacies,  
2 but this bill as it's written does nothing to address  
3 those. There has to be a reasonable solution. I think  
4 we've heard some of them today. Thank you.

5 CHAIRMAN SMITH: Any questions of  
6 Ms. Adkison, members?

7 UNIDENTIFIED SPEAKER: Just a quick one,  
8 Mr. Chairman.

9 CHAIRMAN SMITH: Sure.

10 UNIDENTIFIED SPEAKER: Thank you for your  
11 patience and your testimony today. I know you've come a  
12 long way. I think you hit on something really  
13 important, and I think something that no Texan really  
14 can be proud of and that's that this state ranks  
15 consistently in the bottom 10 percentile or the bottom  
16 10 states in terms of voter participation.

17 MS. ADKISON: Yes, sir.

18 UNIDENTIFIED SPEAKER: When I sit on the  
19 elections commission, I think we're going to be coming  
20 up with ideas that are going to be innovative and  
21 creative about how we expand the number of people that  
22 come to vote because the fewer people that vote in my  
23 view, the worse our democracy is functioning, right?

24 MS. ADKISON: Absolutely.

25 UNIDENTIFIED SPEAKER: And in some -- in



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1 some places, like Venezuela, only some people are  
2 allowed to vote. The young man from China talked about  
3 how only party operatives in China really control  
4 elections. But this is Texas and this is America, and  
5 my view as a member of the elections committee is, yes,  
6 I mean, we can discuss security, but let's talk about  
7 the big issue in the room. Do we always consistently  
8 want to be with Louisiana, Mississippi in terms of the  
9 states that are always bringing up the rear in terms of  
10 turnout or do we want to be upfront? Do we want Texas  
11 to lead? And some of your testimony caused me to think  
12 about that again and think, you know, let's focus on the  
13 big issue, the big issue of making Texas a leader in  
14 voter participation.

15 MS. ADKISON: We all want fair elections,  
16 but we need to encourage participation, and I'm here to  
17 tell you that -- that as this bill is written, it will  
18 further diminish that participation in east Texas, I can  
19 tell you. I'm out there everyday.

20 CHAIRMAN SMITH: Thanks for your  
21 testimony.

22 MS. ADKISON: You're welcome.

23 CHAIRMAN SMITH: Thank you. At this time  
24 the chair calls Virginia Townsend. You all are on a  
25 roll.



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1 MS. TOWNSEND: Good evening.

2 CHAIRMAN SMITH: You're here testifying --  
3 it says you're speaking on behalf of a caring citizen.  
4 I assume you are that caring citizen?

5 MS. TOWNSEND: I am the caring citizen.

6 CHAIRMAN SMITH: And that you are  
7 testifying in favor of Senate Bill 362; is that correct?

8 MS. TOWNSEND: Yes, sir.

9 CHAIRMAN SMITH: Please state your name.

10 MS. TOWNSEND: I'm Virginia Townsend,  
11 citizen of Hidalgo County where I've lived all my life  
12 and don't want to live anywhere else. I also am a  
13 lifelong Democrat, but I'm a conservative Democrat which  
14 kind of leaves me with no party right now. I served on  
15 a school board for nine years. I've been a poll  
16 watcher, I've been a clerk and I've been a judge. And I  
17 can tell you people who come in to vote who care,  
18 whether they are the poor people or they are the elderly  
19 people, when they are there and they are serious about  
20 voting, they come prepared and they're very happy about  
21 it. They're always enthusiastic, especially this last  
22 election, and everybody came and they had ID and very  
23 few did not, and I can tell you that the only ones that  
24 may have gotten offended are the ones who are hauled in  
25 in vans or cars and told how to vote, and they're not



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1 sure exactly what they're doing. Those people may get a  
2 little bit offended of having to have another -- or  
3 having to have a picture ID. Otherwise, I'm not buying  
4 this that people are going to be offended or that it's  
5 going to be something that's going to turn them away. I  
6 don't believe it, at least not in my experience in south  
7 Texas.

8 Now, there was 14 people here that were  
9 ready to tell you they live it day by day and then  
10 turned away because they were afraid they were going to  
11 hurt their case. That's fine because I'm sure they want  
12 to do what the Attorney General wants them to do, but  
13 those are the faces of the people who are living day by  
14 day with voter fraud and they could have told you  
15 unbelievable stories, but they -- there was a chilling  
16 effect to say no, you better not. So they did. They  
17 went home. But they were here ready.

18 I can tell you this is -- this is not  
19 something -- as everybody is coming up and saying, there  
20 isn't one case -- Well, the only reason there isn't one  
21 conviction because no district attorneys have the guts  
22 to do it. Other than that, there is enough evidence.  
23 It's just -- It's a political thing, and I'm so  
24 disappointed to see it's between Democrats and  
25 Republicans. I'm just -- It has been a disappointment



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1 for me to sit here in these hearings because it becomes  
2 partisan, and I don't think that's right, and I think  
3 it's getting away from the issue to make it partisan.  
4 The issue is to make our voting more secure, so why  
5 isn't there participation in Texas? Are you kidding?  
6 What do people tell you? They tell me they do not  
7 trust. Thank you.

8 CHAIRMAN SMITH: Okay. And I think it's  
9 clear that and I think we've even had witnesses on the  
10 opposite side of this issue agree that the absence of  
11 prosecution does not equate to the answer of crime.  
12 Okay? And, therefore, I'm interested in hearing what  
13 you have seen. You've testified with great conviction  
14 that it occurs though it isn't prosecuted. What --

15 MS. TOWNSEND: No. That is not something  
16 I have seen because as a judge or a clerk, I have seen  
17 people come in and do the process correctly.

18 CHAIRMAN SMITH: Okay.

19 MS. TOWNSEND: But I've talked to and  
20 heard from the people who are down by the border who  
21 live right next to Mexico who definitely have a problem.

22 CHAIRMAN SMITH: Okay.

23 MS. TOWNSEND: And I've listened to them  
24 when nobody else would listen. We listened because we  
25 felt sorry for them because they couldn't get anyone to



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1 listen.

2 CHAIRMAN SMITH: And what problems are  
3 they describing?

4 MS. TOWNSEND: There's people who are  
5 resident aliens who are voting because they are told to,  
6 and they are given a everything, IDs, whatever they need  
7 by the opposing party, the one that is controlling the  
8 little town. They walk across -- One man walked across  
9 and they asked him aren't you from Mexico? Yes, but I  
10 was told to vote. I have the papers. When people live  
11 this when, they're out there trying to clean up their  
12 little town and it's just happening right in front of  
13 their face and nobody is helping, that's frustrating for  
14 them, enough so they came up here -- got up at 5 o'clock  
15 this morning and drove up here to have somebody pay  
16 attention to their problems. But it's okay. I mean,  
17 they went back. They understand. I'm not sure I do,  
18 but they understand.

19 CHAIRMAN SMITH: Are you getting paid? Is  
20 this a job what you do?

21 MS. TOWNSEND: Are you joking?

22 CHAIRMAN SMITH: You're a volunteer?

23 MS. TOWNSEND: My husband wishes.

24 CHAIRMAN SMITH: So what you're doing is a  
25 matter of conviction on your part as a volunteer.



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1 MS. TOWNSEND: Yes.

2 CHAIRMAN SMITH: Okay.

3 MS. TOWNSEND: And I've been a court  
4 watcher for 30 years.

5 CHAIRMAN SMITH: When you talk about  
6 conversations, is this a single conversation? How many  
7 conversations have you had with people?

8 MS. TOWNSEND: With the people --

9 CHAIRMAN SMITH: Describe the kind of  
10 problem that you're referring to.

11 MS. TOWNSEND: Oh, I don't know. Probably  
12 six or seven times.

13 CHAIRMAN SMITH: Okay. All right.  
14 Members, questions? Vice-chairman Pena?

15 VICE-CHAIRMAN PENA: Hello, Ms. Townsend.

16 MS. TOWNSEND: Hello.

17 VICE-CHAIRMAN PENA: How are you doing?

18 MS. TOWNSEND: I'm okay.

19 VICE-CHAIRMAN PENA: Yeah, I will attest  
20 that the OWLS, which is the group that you all call  
21 yourselves, started as I recall watching the court  
22 system down in south Texas.

23 MS. TOWNSEND: Yes.

24 VICE-CHAIRMAN PENA: You all sat in and  
25 watched trials to make sure that the legal system was



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1 above board, right?

2 MS. TOWNSEND: Yes.

3 VICE-CHAIRMAN PENA: That's how you all  
4 started?

5 MS. TOWNSEND: Yes, sir.

6 VICE-CHAIRMAN PENA: And since I live down  
7 there with you, I think I understand what you're talking  
8 about to some degree. You are talking about the elderly  
9 from adult daycare centers who are rounded up and put  
10 into buses or vans. The talk is that some people may be  
11 paid to organize them and then these senior citizens  
12 are -- some of them who don't really understand really  
13 fully what's going on are told to vote. Sometimes  
14 people will walk in with them to assist them because  
15 their language skills may not be -- be sufficient and  
16 maybe they assist in voting.

17 MS. TOWNSEND: Yes.

18 VICE-CHAIRMAN PENA: Right? That sort of  
19 thing?

20 MS. TOWNSEND: M-hm.

21 VICE-CHAIRMAN PENA: We're talking about  
22 the excessive use of what we in south Texas call  
23 politiqueras or vote harvesters is the phrase used up  
24 here, and maybe some excesses in and that sort of thing,  
25 right?



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1 MS. TOWNSEND: I think some people make a  
2 living out of it.

3 VICE-CHAIRMAN PENA: Right. We heard some  
4 testimony about people with mail-in ballots may go  
5 looking for ballots and picking them up out of the  
6 mailbox and then voting.

7 MS. TOWNSEND: Yes.

8 VICE-CHAIRMAN PENA: And then having them  
9 sign it and that sort of thing.

10 MS. TOWNSEND: Yes. That's very hard to  
11 prove, but --

12 VICE-CHAIRMAN PENA: It is very hard to  
13 prove, but the only thing -- You know, so we agree on  
14 almost on all those things because I live there, and I  
15 see it along with you, and I agree with that position  
16 that some corruption is occurring and it's up to our  
17 DA's to do something and that laws can be implemented  
18 for us to improve it.

19 The problem I have though, Ms. Townsend,  
20 is other than this circumstance in Progresso that has  
21 been raised, which I've not been able to explore much  
22 because of the AG's concerns, is that I -- even though  
23 you and I share the same hostility toward corruption, I  
24 don't see the impersonation. That's the only thing --  
25 That's the only disagreement you and I have on -- on



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1 what we've talked about here is that the impersonation  
2 is just not there. All the other things you talked  
3 about and that we shared, you and I know that happens in  
4 some of our smaller towns where the school districts are  
5 the only source of employment, so everybody fights over  
6 the jobs. But when it comes to voter impersonation,  
7 other than Progresso, have you ever seen that before?

8 MS. TOWNSEND: I've heard about it. Have  
9 not seen it.

10 VICE-CHAIRMAN PENA: Yeah. That's -- You  
11 know, that's my reservation is that when we fashion  
12 things -- These are all good people here. We try to  
13 fashion what we think is right. We want to make sure  
14 that we're not -- you know, we've got a problem with our  
15 little toe, we don't want to cut off the whole leg, you  
16 understand? And so when we hear about voter  
17 impersonation being a problem, it's hard for me because  
18 I concede some of the stuff you're talking about, but I  
19 don't see the impersonation. And if we're going to deal  
20 with the abuse of our elderly like you and I are  
21 concerned about in our adult daycare centers and -- and  
22 we're going to deal with the mail-in ballot problems, we  
23 need to deal with those things, but had it come to the  
24 impersonation to spend so much money. It's difficult.

25 And so what -- what we've been doing here



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1 is trying to explore options, and the chairman has been  
2 taking testimony so that we can find a workable solution  
3 and try to find some common ground, and if not, we'll  
4 have to take our the positions that we hold at the  
5 moment as I've shared with you in private, because I  
6 don't see voter impersonation on a wide scale. It  
7 really is a cost benefit analysis for me, and the cost  
8 is just simply great. But that does not mean that we  
9 cannot listen and learn and perhaps fashion something  
10 that people can live with, but I thank you for your  
11 testimony, and I thank you for all the years you've been  
12 doing this in Hidalgo County. I know that the -- the  
13 lawyers shaped up a bit when you guys were watching down  
14 in south Texas, so I thank you for that. Thank you.  
15 Mr. Chair?

16 MS. TOWNSEND: This bill is just the  
17 beginning, you all. I think it's a step in the right  
18 direction, but it's just the beginning. There's a lot  
19 more to be done. Thank you.

20 CHAIRMAN SMITH: Any questions, members,  
21 of Ms. Townsend? Thank you very much for coming today.  
22 Appreciate it. At this time chair calls Dustin Rynders  
23 speaking -- representing, Advocacy, Inc. and Disability  
24 Policy Consortium testifying against Senate Bill 362; is  
25 that correct?



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1 MR. RYNDERS: That's correct.

2 CHAIRMAN SMITH: Would you please state  
3 your name for the record?

4 MR. RYNDERS: Thank you very much. I'm  
5 Dustin Rynders from Advocacy, Incorporated and the  
6 Disability Policy Consortium. Advocacy, Incorporated is  
7 the state-wide protection and advocacy organization  
8 designated by the Federal government to protect the  
9 legal rights of people with disabilities in the State of  
10 Texas. I'm also authorized to speak here today on  
11 behalf of the Disability Policy Consortium, which is a  
12 group of 24 state-wide disability rights organizations,  
13 and I'm here to testify against Senate Bill 362 as  
14 written, but also want to commend the committee for  
15 really elevating, I think, this dialogue in the last  
16 two days beyond the way we've, I think, heard it  
17 discussed before.

18 Specifically, I -- the mission of our  
19 organization is to both expand access to people with  
20 disabilities as well as to ensure the kind of security  
21 that the Help America Vote Act, which gives us partial  
22 funding to do our work, is designed to do as well, and  
23 so those goals dealing both with access to the franchise  
24 and security in a comprehensive manner are fully  
25 consistent with the things that we want to see done in



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1 elections. Of course, our concerns over the bill have  
2 been addressed already.

3 You know, we do not see the kind of proof  
4 of in-person voter impersonation that -- that the  
5 picture ID is designed to prevent. We do disagree at  
6 all that there is some voter fraud in Texas in other  
7 areas. I think we've heard -- heard convincing evidence  
8 in some areas in registration. I'll tell you nationwide  
9 in our experience and as members of the Election  
10 Protection Network, registration is the big issue in  
11 voting rights nationwide, in Texas and in other states.

12 I think there's a lot -- We can explore,  
13 if you all are interested, in reforms around our  
14 registration list, our access to registration,  
15 furthermore, around the mail-in ballot system. Of  
16 course, access to mail-in ballots is very important to  
17 my people, but there are ideas that I have about how we  
18 can deal with security in those. Is it your question  
19 time if I answer now?

20 CHAIRMAN SMITH: You bet. I want to hear  
21 them. Give them to me.

22 MR. RYNDERS: Okay. For instance, in the  
23 mail-in ballot system, a lot of people with disabilities  
24 do not want to vote by mail, right? I mean, it needs to  
25 be available to people who can't go to a polling place,



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1 but, remember, whenever you're assisted by a person, the  
2 kind of corrupt individuals that we've heard about or a  
3 good natured friend or family member, you're losing the  
4 privacy of your ballot.

5 One of the best things about HAVA is it  
6 allows you with an accessible machine to have a private  
7 and independent ballot. If you had voting -- mobile  
8 voting centers during early voting that took these  
9 accessible machines out to where the people are who  
10 can't go to the polling place, you'd decrease the need  
11 for people to be voting by mail. You know, a lot of  
12 what we talk about in the needs of the disability  
13 community are going to be talking about mobility, right?  
14 If you have people who aren't able to go where you are  
15 or access information in the same way, you have to deal  
16 with mobility.

17 So if we're talking about IDs, it's not  
18 enough just to have the free ID. We've already heard  
19 you also have to pay for the birth certificate, but you  
20 also have to go to them, right? And we know that in  
21 Georgia part of their preclearance process was that they  
22 said they were going to go to people, and we heard  
23 really interesting testimony last night that apparently  
24 they didn't go to people. In the disability community  
25 you absolutely must go to people. I mean, you cannot



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1 expect everyone to show up at a certain place to get  
2 their ID or to cast their vote, but that doesn't mean  
3 the mail-in ballots is the only option. It has to be  
4 one option, but you can definitely decrease reliance on  
5 mail-in ballots with mobile voting centers.

6 CHAIRMAN SMITH: Thank you. And, I mean,  
7 I'm going to give the members an opportunity to ask  
8 questions, but I just want to kind of give everybody a  
9 sense of where we are. My understanding is that there's  
10 62 witnesses left to testify on this bill before we get  
11 to the other bills. If we do not ask any questions,  
12 that's three hours, and we have done a very good job in  
13 not asking any questions, and that's, again, before we  
14 get to the other bills that we have before the  
15 committee, and there are a number of witnesses that are  
16 going to testify with regard to certain of these other  
17 pieces of legislation.

18 So I'm -- The agreement among the members  
19 was we would let everybody testify for 3 minutes, and  
20 the members will ask any questions they wanted. I  
21 wanted to advise you of the 3 seconds as we proceed.  
22 Any questions of this witness? Dead silence.

23 MR. RYNDERS: Thank you.

24 CHAIRMAN SMITH: Representative Anchia.

25 REPRESENTATIVE ANCHIA: Just -- Just a



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1 couple. Thanks for testifying. Advocacy does a --  
2 always does a really good job before this committee.  
3 Couple of questions. Are people with disabilities less  
4 likely to have photo ID and if so why?

5 MR. RYNDERS: Absolutely. I so wanted to  
6 stand up when you asked if anyone in the room would be  
7 affected by this bill because I absolutely have  
8 represented people who are. I'll just give you a little  
9 history of me as a lawyer. I've represented a lot of  
10 people with disabilities who were affected by Hurricane  
11 Katrina. I was in the Houston area after Katrina and  
12 worked with a lot of those people. Myself personally, I  
13 represented six individuals who had no paperwork,  
14 identity, prescriptions for pharmaceuticals that they  
15 needed, anything, so there are absolutely people out  
16 there who don't have IDs.

17 As you've already heard from the -- the  
18 gentleman who represents homeless individuals, those of  
19 us who work with low income individuals with  
20 disabilities, without disabilities, we all know how hard  
21 it is to get the ID because we've all tried to help our  
22 clients get them, and so there are absolutely people out  
23 there who are impacted.

24 Representative Anchia, I like that you  
25 brought the attention earlier today to this larger



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1 number of the people who don't have the two most  
2 preferred IDs. We've heard a lot about 2 percent. That  
3 may be the best estimate of who don't have one form of  
4 photo ID, but certainly the numbers post HAVA's and  
5 September 1st, 2006, when an ID number was required on  
6 the voter registration application, if the person has it  
7 would tend to show that somewhere between 800,000 and  
8 1.2 million eligible Texas voters would not have the two  
9 most common forms of photo ID.

10 Now, of course, some of those people  
11 definitely have other documents that are on the list. I  
12 think the most important thing to consider about those  
13 other forms of documents is that you've heard confusion  
14 in this room today about exactly what the bill does and  
15 what the bill doesn't do in making voters understand who  
16 have always shown up year and year, again, with that  
17 registration certificate, what's going to be required,  
18 and I'll tell you that kind of education for people with  
19 disabilities is going to go back to in-person training  
20 in mobile units even providing that training. It is not  
21 enough to provide written documentation on a back of a  
22 registration card to the people I represent or --

23 REPRESENTATIVE ANCHIA: Can I just ask you  
24 about that because that was one of the technical  
25 questions that I had, and I know you're familiar with



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1 HAVA. The notice requirement in the Senate Bill says  
2 we're going to put it on the back of your -- of your  
3 voter registration card. I looked at the back of mine  
4 and the font -- it's full, right, and the font is like  
5 6-point, so if we're adding additional notice about all  
6 the different types of ID that you need, is it going to  
7 be 2-point font, 1-point font? Is it going to be  
8 readable? Is it going to be -- Is it going to be ADA or  
9 HAVA compliant? Let's start with ADA since you know a  
10 little bit about that.

11 MR. RYNDERS: Accessible font is 14-point  
12 Arial, so I think we can say it's not going to be  
13 14-point Arial. The other thing we need to know is that  
14 there are people who are visually impaired. A lot of  
15 who HAVA was trying to get at to provide that kind of  
16 independence are nonreaders, you know, people who aren't  
17 going to be able to see even a normal font, so we're  
18 going to need that education to go out in multiple  
19 forms. I'm not saying don't put it on the back of the  
20 registration card, but we're going to want to see a full  
21 scale campaign and, you know, the idea of how much you  
22 spend on education, just to give you some information on  
23 that, based on HAVA, in the last few years we've  
24 allocated over 3 million, 3.4 million, 3.5 million in  
25 HAVA funds for voter education in the state, even



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1 without the kind of drastic changes that are being  
2 proposed with this kind of legislation.

3 So you're going to need to see a robust  
4 educational effort that is multifaceted dealing not only  
5 with the written kind of documents, but, also, I think,  
6 you know, PSA's on the radio, things on the -- the  
7 television. You are definitely going to need a lot and  
8 in-person outreach to specifically targeted communities.  
9 This 2 percent -- We keep talking about this 2 percent.  
10 You don't only get to in the newspaper. This 2 percent  
11 you have to get to in the streets.

12 REPRESENTATIVE ANCHIA: And is the  
13 disability community concentrated in clusters dispersed?  
14 You know, I want to get a sense -- we're concerned about  
15 making sure everybody has a franchise. If you're an  
16 American, if you're a Texan, if you are eligible, it's  
17 my sense and I think the sense of everybody on the  
18 committee, we want you to vote. What's the best way to  
19 reach the community that you represent?

20 MR. RYNDERS: People with disabilities are  
21 absolutely filtered throughout the state. They come in  
22 all ages and races and colors and political  
23 affiliations. Some are in institutions. Some are in  
24 community centers. There's a lot of talk about nursing  
25 homes, and these are places I have a lot of experience



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1 on voting issues. I'd be happy to work with any members  
2 of the committee in concerns in those areas and -- and  
3 expanding the franchise in those areas.

4 But you have to remember that the whole  
5 paradigm of people with disabilities being in  
6 institutions is a dated paradigm. Now, Texas's system  
7 is also dated, but we do have more and more people with  
8 disabilities who are living in the community, and so  
9 when we talk about outreach, it can't only be focused on  
10 institutional settings. It also has to be those  
11 individuals who are at home. So you may have mobile  
12 voting centers who can hit low lying fruit at  
13 institutional settings or you are going to have clusters  
14 of people who are living -- but you are also going to  
15 still have to make sure that you're reaching out to  
16 those individuals who are living in their home with  
17 perhaps day support or hours of respite for caregivers.

18 REPRESENTATIVE ANCHIA: Okay. I  
19 appreciate your testimony.

20 MR. RYNDERS: Thank you.

21 CHAIRMAN SMITH: Thank you. Members, any  
22 other questions? Thank you.

23 MR. RYNDERS: Thank you.

24 CHAIRMAN SMITH: Appreciate it very much.  
25 At this time the chair calls Ignacio Aguilar



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1 representing himself testifying in favor -- He's not  
2 going to testify. He's gone. Don't see anybody, so  
3 we're going to show him as not testifying but as in  
4 favor of the bill.

5 At this time the chair calls Jerry Lee  
6 Phillips. This may reduce that 60 number somewhat. I  
7 don't see -- Are you Jerry Lee Phillips?

8 MR. PHILLIPS: Yes, sir.

9 CHAIRMAN SMITH: Okay. Testifying against  
10 the bill and representing yourself.

11 MR. PHILLIPS: That is correct, sir.

12 CHAIRMAN SMITH: All right. Please state  
13 your name and proceed.

14 MR. PHILLIPS: My name is Jerry Lee  
15 Phillips. I am from Hurst, Texas. Thank you, Chairman  
16 Smith.

17 CHAIRMAN SMITH: Got my attention.

18 MR. PHILLIPS: Yes. That's House District  
19 92, isn't it?

20 CHAIRMAN SMITH: Good.

21 MR. PHILLIPS: Thank you, Chairman Smith,  
22 and to the rest of the members of the elections  
23 committee. I thank you also for the opportunity to  
24 speak. I believe my friendly testimony will reflect the  
25 feelings of a large number of hard working Texans from



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1 House District 92, and other areas of our state who  
2 could not take time away from work or were unable to  
3 leave their families to come to Austin to address you  
4 about this controversial election legislation.

5 As you've heard in other testimony,  
6 Chairman Smith and committee, there are no proven  
7 widespread voter fraud issues in Texas. Republican  
8 Attorney General Greg Abbott has spent over a million  
9 tax party dollars trying to hunt down election  
10 violators. He has come up empty handed. The former  
11 political director for the Texas Republican party as  
12 cited by the Brennan Institute for Justice concluded  
13 that Voter ID legislation would suppress traditional  
14 democratic voter turn out by a significant 2.93 percent.  
15 That's a lot of voters.

16 Whether intended or not, and I'd like to  
17 repeat that, whether intended or not, you are  
18 considering a voter suppression bill. Pursuit of voter  
19 suppression legislation is tantamount to political  
20 hanky-panky with the ugly goal of unfairly perpetuating  
21 one party dominance for several more election cycles.

22 There's some very important facts that I'd  
23 like to remind Chairman Smith and this committee of.  
24 First, that according to the Wall Street Journal  
25 article, in July 2008, Texans pay some of the very



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1 highest utility rates in the United States. Escalating  
2 utility costs is a real problem facing mainstream  
3 Texans. Pursuing partisan legislation that would  
4 restrict the right of minorities, seniors and young  
5 Texans to vote does not solve that problem.

6 According to KTXA Channel 11, Texans pay  
7 some of the highest homeowners insurance rates in the  
8 United states. Escalating homeowner insurance rates is  
9 a problem facing mainstream Texans and partisan election  
10 legislation does not solve that problem either.

11 According to the Dallas Morning News economy watch, the  
12 State of Texas has lost over 100,000 jobs so far in 2009  
13 and is projected to lose another 600,000 by the end of  
14 this year. Job loss is a problem facing mainstream  
15 Texans, many who live in House District 92.

16 The proposed legislation that restricts  
17 the right of minority seniors and young Texans to vote  
18 simply does not deserve the attention of the  
19 legislature. As a constituent in House District 92, I  
20 ask you, Chairman Smith and committee, to address the  
21 growing utility crisis in Texas, make tuition affordable  
22 for -- for hard working Texas and bring down those  
23 insurance rates. These are the issues facing your  
24 constituents in House District 92 and elsewhere.

25 I implore this committee to get its



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1 priorities right, drop the voter suppression bill, allow  
2 the legislature to devote its full attention to our  
3 state's biggest problems without the distraction of the  
4 highly partisan election bill. I appreciate your  
5 courtesy.

6 CHAIRMAN SMITH: Is it -- Is it your  
7 impression, Mr. Phillips, that the 2 point -- is it  
8 2.9 percent? 2.7 percent. 2.7 percent finding in that  
9 study by the Brennan Institute pertains to the  
10 legislation that we're considering --

11 MR. PHILLIPS: Pardon me, sir?

12 CHAIRMAN SMITH: -- today? Do you  
13 think -- Do you think that finding of -- of that study  
14 pertains to what's being proposed in Texas?

15 MR. PHILLIPS: What's being proposed in  
16 Texas? You know, I haven't read the report, I'll be  
17 honest. I just heard a report of the testimony last  
18 night, Mr. Chairman.

19 CHAIRMAN SMITH: So you heard discussion  
20 of it last night.

21 MR. PHILLIPS: I heard report of the --  
22 the discussion last night. I was not in attendance.

23 CHAIRMAN SMITH: Okay. Here's -- Just  
24 want to make this point quickly for you, and I don't  
25 know if the audience has had a chance to consider this



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1 either. There's a number of studies. What you've done  
2 is cited one of them. There is another study from the  
3 Heritage Foundation, and these are sort of think tanks  
4 that tend to align themselves, and I don't want to name  
5 any names, but one tends to have more conservative  
6 findings, and one tends to have less conservative  
7 findings, and -- and in this instance, they do as well.

8           There are a number of studies that  
9 indicate that even if you compare -- I'm reading from  
10 the study that you're citing to. It says, Voters in  
11 states that required photo identification, that required  
12 it, were 2.7 percent less likely to vote than voters in  
13 states where individuals had to give their names,  
14 meaning, Vermont. All you have to do is go to the polls  
15 and state who you are. What this study is saying, which  
16 is different than a number of other studies which have  
17 found that even when you compare the -- the least  
18 onerous system to the most onerous system, there is no  
19 change in turnout.

20           This finding suggests that when you do  
21 compare the most onerous system, like Vermont's, where  
22 you just show up and say my name is Todd Smith, if they  
23 see your name on the roll, they let you vote. To  
24 Indiana, one extreme to the other. Indiana, hard photo  
25 identification requirements, only way your vote counts



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1 if you don't have it, just to do certain things within  
2 10 days.

3 If you make that comparison, one of  
4 several studies has concluded that there's an effect.  
5 Again, many other studies or several other studies have  
6 made a different finding, but there's not any study --  
7 there is no evidence to suggest that the marginal change  
8 that's being proposed by the Senate Bill in Texas, which  
9 is simply going from a requirement that you have either  
10 photo or non-photo identification, to a requirement that  
11 you have either photo or two forms of non-photo  
12 identification, has any effect on voter turnout.

13 Are you aware of any study that would  
14 indicate or suggest that that difference, which is  
15 the -- that's the difference before us today, would --  
16 would have any effect on voter turnout?

17 MR. PHILLIPS: No. It was just my  
18 understanding that people like my mom, who are getting  
19 old and somewhat forgetful and no longer have Voter ID,  
20 that this would create a burden for them and, therefore,  
21 people in her age category would be less likely to vote.

22 Now to answer your question specifically  
23 because I apologize because I knew that's what you were  
24 going to say is do you know specifically. No, sir, I  
25 don't.



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1 CHAIRMAN SMITH: Okay.

2 MR. PHILLIPS: I just know my mom pretty  
3 good, and I wouldn't want to put her in the spot because  
4 she does feel that voting is her civic duty, and like I  
5 said, she's gotten forgetful, and she's gotten where she  
6 doesn't have a driver's license, and so it could be an  
7 issue with my mother.

8 CHAIRMAN SMITH: Well, and you understand  
9 that one of the documents she can use to vote is a  
10 Medicare card? She has one of those, doesn't she?

11 MR. PHILLIPS: She certainly does, yes,  
12 sir.

13 CHAIRMAN SMITH: Okay. All right. And so  
14 I just I think there are two legitimate issues, if not  
15 more, before the committee. One is the evidence  
16 relating to fraud, what is -- is the purpose of this  
17 legislation. The other though, which is sometimes  
18 skipped over, is the evidence suggesting that this small  
19 marginal change in the existing identification that is  
20 required to vote in the State of Texas will in fact have  
21 any effect of any kind, and let me tell you, I got half  
22 my friends on this committee that have argued that if we  
23 do this, it's going to dramatically increase turnout,  
24 and I don't agree with them anymore than I agree with  
25 you. I don't there's any -- I don't think there's any



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1 evidence to suggest that this change in the law is going  
2 to -- to affect our turnout in this state to one iota  
3 for whatever it's worth. But I appreciate you coming  
4 down. Any other questions from the members of the  
5 panel? (Inaudible.)

6 Yeah. I think we have had arguments from  
7 this panel, there's no question. So any other questions  
8 for Mr. Phillips? Representative Heflin?

9 REPRESENTATIVE HEFLIN: Mr. Chairman,  
10 Mr. Phillips, as to your mom and other senior citizens,  
11 now she doesn't have a photo ID, but she has an ID  
12 showing she's over 65.

13 MR. PHILLIPS: Yes, sir.

14 REPRESENTATIVE HEFLIN: So if we put a  
15 provision in the bill that exempted those over 65 from  
16 having the photo as long as they have some documentation  
17 proving they're over 65, would you believe that would be  
18 a burden upon the senior citizens or most of them have  
19 Social Security cards and/or Medicare cards?

20 MR. PHILLIPS: You know, certainly I'm  
21 sure it would cover most folks. I guess we're all -- or  
22 I guess the committee is looking at that number of folks  
23 who maybe wouldn't be in that --

24 REPRESENTATIVE HEFLIN: Right.

25 MR. PHILLIPS: -- group. So you would



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1 probably know better than I about that number of folks  
2 who don't have access to or don't have identification.

3 REPRESENTATIVE HEFLIN: Right. So what I  
4 would propose is that right now I would -- I have a hard  
5 time picturing anyone 65 and younger in today's  
6 society -- mobile society -- 65 is pretty young anymore  
7 because some members are getting close to it, and I'm  
8 not there yet, but I can see it around the corner -- so  
9 would have an ID of some form that might have a photo on  
10 it. So I would propose that, okay, those that are born  
11 in 1944 and after, okay, fine, they will participate,  
12 but that it goes up every year as we -- you know,  
13 everybody is accustomed to this program.

14 You know, this is not going to happen  
15 overnight, but I just -- I want to make sure that we do  
16 everything possible to make sure those senior citizens,  
17 many who fought World War II and Korea and, you know,  
18 have that right to vote because I think it's that  
19 important that we do everything we can -- In fact, I  
20 don't like the name Voter ID Bill. I think -- I think  
21 this ought to be the voter enhancement and quality  
22 assurance bill. I think that's where we need to go is  
23 enhance every vote we can get to the polls, and so do  
24 you think that would be fair to like your mom?

25 MR. PHILLIPS: Well, I don't know. I'll



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1 have to ask my mother about that voter enhancement.

2 REPRESENTATIVE HEFLIN: Quality

3 assurance --

4 MR. PHILLIPS: Quality assurance.

5 REPRESENTATIVE HEFLIN: -- bill, yes.

6 MR. PHILLIPS: But, you know, she's been  
7 sold soap before and she might want to read it first.

8 REPRESENTATIVE HEFLIN: Thank you very  
9 much.

10 MR. PHILLIPS: Yes, sir.

11 REPRESENTATIVE ANCHIA: Just a quick  
12 question. What does your mom use to vote right now?  
13 Her voter registration card? When she goes in does she  
14 bring her voter registration card with her?

15 MR. PHILLIPS: The last time she voted she  
16 voted by mail.

17 CHAIRMAN SMITH:

18 REPRESENTATIVE ANCHIA: Okay. The last  
19 time she voted in person when you -- if you take her to  
20 the polls, what was it she used?

21 MR. PHILLIPS: Well, it's been -- it's  
22 been probably four years since I took her or six to the  
23 polls, and she took actually -- she had an old driver's  
24 license that she took. Now, she hadn't been driving,  
25 but they accepted it.



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1 REPRESENTATIVE ANCHIA: Was it expired?

2 MR. PHILLIPS: Yeah.

3 REPRESENTATIVE ANCHIA: Okay. Depending  
4 upon when it was expired, under this bill she wouldn't  
5 have been able to vote if it, I -- I think, had been  
6 expired two years from the date that you were going to  
7 be voting that it might not -- her vote might not have  
8 counted under the Senate Bill, so, I mean, I understand  
9 why you'd be cautious about -- about the things that are  
10 required and aren't. And my reason in asking that, what  
11 people usually bring to the poll is people are in the  
12 habit of bringing certain pieces of identification for  
13 the polls.

14 I've got constituents that for 40 years  
15 have voted with their voter registration card. You  
16 know, their husbands drove them around. Their husbands  
17 have now passed on. They don't drive, but they like to  
18 either walk to the polls or get a ride to the polls.  
19 We'd furnish them with rides, and they vote with their  
20 voter registration card. My fear is that if we change  
21 the rules on them and say that that's insufficient and  
22 don't do any -- any education, then they might just do  
23 what they're used to and then not be able to vote. So I  
24 think any change that we make in the law, and this may  
25 allay some of your concerns, if we're able to implement



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1 it is that we need to do quite a bit of voter education  
2 and not implement this immediately because it could have  
3 an impact on a lot of people.

4 Now, we spend some time trying to  
5 education -- spend some time and money educating the  
6 public about any change that we undertake, so I just  
7 offered that up for thought.

8 CHAIRMAN SMITH: And I'll just say I think  
9 we're in agreement on that. Any other questions,  
10 members? Thank you. At this time the chair calls Vern  
11 McClaugherty. Is that right? I'm sorry.

12 MS. McCLAUGHERTY: McClaugherty.

13 CHAIRMAN SMITH: McClaugherty.

14 MS. McCLAUGHERTY: I thought maybe you had  
15 lost it. I was beginning to think that.

16 CHAIRMAN SMITH: That's probably true.

17 MS. McCLAUGHERTY: We signed up way before  
18 lunch.

19 CHAIRMAN SMITH: Give us your name and who  
20 you represent.

21 MS. McCLAUGHERTY: My name is Vern  
22 McClaugherty. I'm from Edinburg. I'm representing the  
23 OWLS and myself.

24 CHAIRMAN SMITH: You're testifying for  
25 Senate Bill 362?



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1 MS. McCLAUGHERTY: Yes.

2 CHAIRMAN SMITH: Thank you.

3 MS. McCLAUGHERTY: And first thing I want  
4 to say is I'm from Hidalgo County, and when I say that,  
5 most people up here giggle, so maybe you all know where  
6 I'm from. One of our county commissioners was arrested  
7 April the 2nd, '09 by the FBI. We've had a sheriff,  
8 we've had our election administrator indicted. Crooks  
9 in our county? I mean, things that go on, please.

10 We've had people here today that came up  
11 here to speak to you so you would know the truth and  
12 they were stopped dead in the water. We were not  
13 supposed to say anything today, by the way. There is  
14 evidence and it was a person that was in this room today  
15 that was not a registered voter and voted. And I'm not  
16 sure if they were from Mexico, but I do know that we're  
17 so close that it's very possible that she was, but she's  
18 not a registered voter, and she was paid to vote, but  
19 she was turned away today so that you all will never get  
20 to see her, I guess.

21 But this is a city election down there  
22 that we've gotten involved with, and they have complete  
23 control of that town, of the city and of the school.  
24 There's two place to get a job in that town. That's the  
25 city and the school. If you don't vote their way,



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1 you're fired. So these people have a problem down  
2 there. I have been a ballot board judge. I have been  
3 on the ballot board. I have seen the mail come in --  
4 the mail-in ballots that do not even have a signature on  
5 the back. We've had the signatures that do not match.  
6 We tried to look at a letter and make sure that it is  
7 something that is close to it. We have absentee ballots  
8 that go to one address, and we know that there's large  
9 families, but, believe me, these are large people. They  
10 have no names that are even close to each other, but  
11 they go to that same address. When you have an absentee  
12 ballot, it is to go to wherever you're going to be out  
13 of the county. You are not -- If you are in county, you  
14 should be able to vote. It's supposed to go out.

15 Progresso is in Hidalgo County. It goes  
16 to the same address. So these are things that we see  
17 personally and we know. And I don't understand whenever  
18 they swear that they are a registered voter, why is it  
19 don't you make a law that it's a felony? Put them in  
20 jail. They just swore. They have nothing that's going  
21 to give them any time or anything that they -- what they  
22 lie. Who cares? We need the -- When you are going to  
23 go and you keep someone from voting, you need to make it  
24 a felony to stop that.

25 I know right now people are here, and I



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1 want to talk fast. Be prepared. You have picture IDs,  
2 you have student cards, you have driver's license, you  
3 have CHL. By the way, I had to drive with my driver's  
4 license and my CHL up here today in case I saw a DPS --  
5 Yesterday. Sam -- Sam's credit card has your picture.  
6 Credit cards, passport pictures, military cards,  
7 agencies with the government, fishing and hunting  
8 licenses, I believe you have to give them an ID. You  
9 want to cash a check, you got to give them two IDs. You  
10 got to give them money.

11 The county put this in the paper and they  
12 paid for it. This was so that they could get help with  
13 their light bills for the low income, and the one thing  
14 they need was proof of purchase -- I mean, proof of  
15 income, but most of all, they need the picture ID, a  
16 birth certificate or a passport or a Social Security  
17 number. So you're telling me you can't have a little  
18 picture card that lets someone vote that we know that  
19 they are a registered voter?

20 CHAIRMAN SMITH: Members, any questions?

21 REPRESENTATIVE BROWN: Yes, sir.

22 CHAIRMAN SMITH: Representative Brown?

23 REPRESENTATIVE BROWN: I'm just curious.

24 You said that you knew someone who was -- that had come  
25 up here to talk about her experiences and she was turned



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1 away?

2 MS. McCLAUGHERTY: Well, the -- the  
3 Attorney General said -- told us for -- not to speak  
4 today.

5 REPRESENTATIVE BROWN: Yeah, I understand.

6 MS. McCLAUGHERTY: And like I say, we were  
7 at your meeting yesterday until way late, and we  
8 didn't -- we found out that I think he spoke to you all  
9 last night about 1:30. I asked him why didn't he do  
10 that this morning -- about 1:30 this afternoon and we  
11 could have asked these people or tried to stop them or  
12 if we would have known yesterday earlier, we could have  
13 called these people and told them not to come. They  
14 took off from work to come up here to talk to you all.

15 REPRESENTATIVE BROWN: Was that the only  
16 person that --

17 MS. McCLAUGHERTY: That was the one that I  
18 know of right now.

19 REPRESENTATIVE BROWN: Okay.

20 MS. McCLAUGHERTY: There was some other  
21 testimonies. They wanted to come and tell you the  
22 truth.

23 REPRESENTATIVE BROWN: Was that the only  
24 person that spoke to her about not -- not talking?

25 MS. McCLAUGHERTY: Yes.



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1 REPRESENTATIVE BROWN: Okay.

2 MS. McCLAUGHERTY: I mean, you know, he  
3 told her that he preferred that we not do that and then  
4 he told us outside. So like I say, they were -- they  
5 were turned away.

6 REPRESENTATIVE BROWN: Okay. And that's  
7 very unfortunate, and I'm still a little confused about  
8 what they could have said and could not have said, but,  
9 you know, we really don't want to jeopardize that case.

10 MS. McCLAUGHERTY: Right. Well, I  
11 understand and that's --

12 REPRESENTATIVE BROWN: Those people do  
13 need to be prosecuted if indeed that is what happened.

14 MS. McCLAUGHERTY: And that's what we told  
15 them. We said this -- You know, let's pass this up, but  
16 they wanted to come and tell you all the truth and have  
17 somebody listen. No one's listened to them. Most of  
18 them will just throw them off and go on. I'm too busy  
19 today. And I can't believe today how much this has  
20 become a Democratic and Republican thing. You all get  
21 into a fight yesterday. I thought you all were going to  
22 go to fist city. My God. Like I say, I was shocked.  
23 This should be for the people. This is for the people  
24 so they can vote, and a picture ID is not going to hurt  
25 anything.



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1 REPRESENTATIVE BROWN: Couldn't agree  
2 more. Thank you so much.

3 UNIDENTIFIED SPEAKER: Mr. Speaker?

4 CHAIRMAN SMITH: Yes.

5 UNIDENTIFIED SPEAKER: She's already gone.

6 CHAIRMAN SMITH: Yeah. Just, again, a  
7 reminder to the audience that we want to try to avoid --

8 MS. McCLAUGHERTY: I'm sorry. Someone has  
9 got a question for --

10 CHAIRMAN SMITH: Yes. Our Representative  
11 Heflin.

12 MS. McCLAUGHERTY: Okay. I'm used to --

13 REPRESENTATIVE HEFLIN: What is the  
14 population of Edinburg?

15 MS. McCLAUGHERTY: Don't ask me. They're  
16 getting bigger by the minute.

17 REPRESENTATIVE HEFLIN: And how far is --  
18 how far is Progresso from Edinburg?

19 MS. McCLAUGHERTY: We're about under --  
20 under 25 minutes -- 25 -- 20, 25 minutes, and if you  
21 speed a little bit, you can -- you can get there a  
22 little faster.

23 REPRESENTATIVE HEFLIN: Is it due north?

24 MS. McCLAUGHERTY: Pardon?

25 REPRESENTATIVE HEFLIN: Is it due north?



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1 MS. McCLAUGHERTY: It's south. It's south  
2 of Edinburg, coming into Edinburg and then you are going  
3 to go to Target on the expressway and you are going to  
4 go to Weslaco and go south of Weslaco and it's just  
5 close to the border. I mean, you cannot believe.

6 REPRESENTATIVE HEFLIN: Okay. Now, are  
7 you also election judge and clerk and do you do that as  
8 well?

9 MS. McCLAUGHERTY: No. I have been on the  
10 ballot board, and I have clerked in the past, and I've  
11 been a judge and I've been a poll watcher, but it was  
12 years ago.

13 REPRESENTATIVE HEFLIN: Okay. And you  
14 think the big concern that you're having is mail-in  
15 ballots? That's a big problem?

16 MS. McCLAUGHERTY: That's a big one to me  
17 and then, like I say, just making sure that -- you know,  
18 that everyone that's voting is a registered voter.

19 REPRESENTATIVE HEFLIN: Now, you said that  
20 if -- if -- they should be out of county if they are  
21 going to use an absentee ballot.

22 MS. McCLAUGHERTY: That's the way.

23 REPRESENTATIVE HEFLIN: Do you believe we  
24 ought to go back to the you have to have a reason for a  
25 absentee ballot instead of a --



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1 MS. McCLAUGHERTY: Only thing I know is if  
2 you are requesting a ballot, the way I understood it  
3 that if you ask for an absentee, that it will be sent to  
4 you wherever you're at, but you are not to be in your  
5 county because if you are in your county, you should be  
6 able to go vote. Well, yes, I'm just talking about  
7 the -- I'm not talking about the age or anything.

8 REPRESENTATIVE HEFLIN: You are talking  
9 about the able-bodied?

10 MS. McCLAUGHERTY: I'm just talking about  
11 just, you know, not going to be here.

12 REPRESENTATIVE HEFLIN: Very good. Thank  
13 you.

14 CHAIRMAN SMITH: Any other questions,  
15 members? Frank?

16 VICE-CHAIRMAN PENA: How are you doing?

17 MS. McCLAUGHERTY: Well, I'm hungry. I'm  
18 going to faint here in just a minute. I haven't had  
19 anything since early this morning.

20 CHAIRMAN SMITH: I'll help you in a little  
21 bit.

22 MS. McCLAUGHERTY: Okay.

23 VICE-CHAIRMAN PENA: I understand you  
24 support this -- this senate proposal. What else can we  
25 do? I mean, what else -- I realize that we have a



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1 problem with prosecutions, right?

2 MS. McCLAUGHERTY: Yes.

3 VICE-CHAIRMAN PENA: This stuff goes on.

4 MS. McCLAUGHERTY: Yes.

5 VICE-CHAIRMAN PENA: And have you all gone  
6 to the DA?

7 MS. McCLAUGHERTY: Yes. That's the reason  
8 why we are here is because we accidentally found a  
9 website that had stated that possibly we had tainted the  
10 people down through -- tainted the affidavits and things  
11 that they had signed by Chuy Hinojosa, and we have no --  
12 we had not even seen the affidavits. We had no idea, so  
13 that's why we're up here on this today, to make sure  
14 that you understand how important this is.

15 VICE-CHAIRMAN PENA: There are other  
16 avenues that you're pursuing, right? There are other  
17 bills in the senate or in the process --

18 MS. McCLAUGHERTY: Yes.

19 VICE-CHAIRMAN PENA: -- that you are  
20 supporting?

21 MS. McCLAUGHERTY: We're hoping that --  
22 that possibly any of the population that -- of the  
23 cities, of the -- of the counties, all over the state  
24 here that have 20,000 or less, that you will be able to  
25 have the county run the election, and maybe we can get



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1 some people in there that will watch what's going on.

2 Maybe we can have a fair one.

3 VICE-CHAIRMAN PENA: I'm going to ask you  
4 a question. I want you to be real straight with me.  
5 Let's say we get this Voter ID thing. You and I know  
6 that sort of corruption that we're concerned about is  
7 not going to go away, right?

8 MS. McCLAUGHERTY: That's right, for a  
9 while.

10 VICE-CHAIRMAN PENA: Yeah.

11 MS. McCLAUGHERTY: But it's a one-step --  
12 one more step tightening down.

13 VICE-CHAIRMAN PENA: You say it's one  
14 step, but this is the way it's been in Hidalgo County  
15 for a long time, right?

16 MS. McCLAUGHERTY: Yes.

17 VICE-CHAIRMAN PENA: And it's true in most  
18 of the small towns?

19 MS. McCLAUGHERTY: Yeah.

20 VICE-CHAIRMAN PENA: And I'm talking about  
21 the stuff, about the elderly and the daycare centers  
22 and --

23 MS. McCLAUGHERTY: Well, the --

24 VICE-CHAIRMAN PENA: The political boss  
25 and that sort of thing, right?



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1 MS. McCLAUGHERTY: M-hm.

2 VICE-CHAIRMAN PENA: That's what you're  
3 talking about?

4 MS. McCLAUGHERTY: M-hm.

5 VICE-CHAIRMAN PENA: But the Voter ID  
6 thing, my observations what I see in south Texas, that's  
7 going to not make most of the stuff we're concerned  
8 about go away.

9 MS. McCLAUGHERTY: Well, it will some if  
10 you're looking at the picture and it's a nice looking  
11 woman or man and the woman you are looking at looks  
12 nothing like them and it's not even -- it's not them,  
13 then you are going to stop that person from illegally  
14 voting because it's not the person that card belongs to.

15 VICE-CHAIRMAN PENA: Most of the things we  
16 complain about those are these rounding up of senior  
17 citizens at adult care centers and people nudging them  
18 to vote for their candidate, right?

19 MS. McCLAUGHERTY: That's true, right.

20 VICE-CHAIRMAN PENA: And that's not going  
21 to stop them, right?

22 MS. McCLAUGHERTY: If there's more ways  
23 that we can get control and get the people when they've  
24 coming in educating them on the voting because right  
25 now, like you say, they bus them in. They give them --



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1 They tell them or they go in and you see shoes this  
2 direction and the voting thing is here. Back when we  
3 had the old shoe thing type, you knew very well that  
4 they were not voting. The person that went in there had  
5 pulled it, but there's no way you say anything. The  
6 shoes look in the other direction.

7 VICE-CHAIRMAN PENA: Okay. But I guess I  
8 want --

9 MS. McCLAUGHERTY: I mean, I'm trying to  
10 tell you what's happening down there.

11 VICE-CHAIRMAN PENA: And I'm right there  
12 with you, and you and I have these discussions back  
13 home, but -- but you have to concede that this solution  
14 that's proposed is not going to make what you and I  
15 complain about mostly go away.

16 MS. McCLAUGHERTY: It's one more step. I  
17 mean, the more that you -- The people, they want to  
18 vote, the ones that are elderly, and, by the way, at the  
19 end of the month, I'm going to be 60, and so 64 is not  
20 very old, at least not to me. 70 is looking pretty  
21 good. So I plan to be able to take my card -- And, by  
22 the way, I know where my voter registration cards are  
23 for my entire family, my two sons, my husband and my two  
24 daughter in-laws and myself. I have them. They're  
25 right where I know I can get to them, and I hand them



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1 out. It's very important that we know where they're at,  
2 and I try to tell people those cards are very important  
3 to take with you. So when you -- If we had something  
4 there to get the people to go -- they're ready to vote.  
5 These people are not wanting a reason not to vote.

6 So -- And, like I say, I don't care how  
7 old you are, and when we were in Progresso the other  
8 day, the last election -- let me quickly -- we had -- a  
9 little old lady was in a walker, and she was walking  
10 trying to get her way to go over there and vote. Now, I  
11 don't know how she was voting, but it was blocked by a  
12 big trailer on the side of the road, halfway in the road  
13 and halfway on the sidewalk, but she was going to vote.  
14 Nothing was going to stop her. So that's what we need.  
15 We need -- And the people there, they want to be able to  
16 vote.

17 VICE-CHAIRMAN PENA: I thank you for  
18 coming down here. I look forward to working with you --

19 MS. McCLAUGHERTY: Up here.

20 VICE-CHAIRMAN PENA: I look forward to  
21 working with you on these on the problems that we've  
22 talked about and finding solutions.

23 MS. McCLAUGHERTY: All right.

24 VICE-CHAIRMAN PENA: Okay? And I thank  
25 the OWLS for all the work they do.



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1 MS. McCLAUGHERTY: Thank you all.

2 REPRESENTATIVE ANCHIA: Really quickly.

3 CHAIRMAN SMITH: Whoa, whoa, whoa. Wait  
4 just a minute, if you don't mind. Representative  
5 Anchia?

6 REPRESENTATIVE ANCHIA: I'm sorry. Just  
7 really quickly. How do you pronounce the county name  
8 again?

9 MS. McCLAUGHERTY: Hidalgo.

10 REPRESENTATIVE ANCHIA: Say it one more  
11 time?

12 MS. McCLAUGHERTY: H-I-D-A-L-G-O.

13 REPRESENTATIVE ANCHIA: How do you  
14 pronounce it?

15 MS. McCLAUGHERTY: Hidalgo.

16 REPRESENTATIVE ANCHIA: Hidalgo. How do  
17 you pronounce it?

18 UNIDENTIFIED SPEAKER: Hidalgo, if you  
19 want to say it --

20 REPRESENTATIVE ANCHIA: Okay. I was  
21 just --

22 MS. McCLAUGHERTY: See how he -- how he  
23 pronounces my name.

24 REPRESENTATIVE ANCHIA: I was confused.  
25 There's like a treaty named after that, right, at some



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1 point? Just checking.

2 MS. McCLAUGHERTY: But I'm from west  
3 Texas, so I have a little bit of an accent, so --

4 REPRESENTATIVE ANCHIA: Yeah. Now, I was  
5 going to ask Representative Heflin how he pronounced it  
6 just to get a little close (inaudible) going.

7 MS. McCLAUGHERTY: Yeah.

8 REPRESENTATIVE HEFLIN: Hidalgo.

9 REPRESENTATIVE ANCHIA: All right. Thank  
10 you.

11 MS. McCLAUGHERTY: See if he can pronounce  
12 my name, and then we'll -- we'll talk about the county.

13 REPRESENTATIVE ANCHIA: Yeah, I know. One  
14 step at a time as you said. Thank you.

15 CHAIRMAN SMITH: At this time the chair  
16 calls Fidel Acevedo. How did I do? President of LULAC  
17 Council No. 4860 here to testify against Senate Bill  
18 362. Please state your name and who you represent.  
19 Thank you -- Thank you to all of you for sticking with  
20 us.

21 MR. ACEVEDO: My name is Fidel Acevedo.

22 CHAIRMAN SMITH: Who do you represent?

23 MR. ACEVEDO: I represent Council 4860.

24 I'm the president for that particular council.

25 CHAIRMAN SMITH: Tell us what you want us



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1 to know. Thank you.

2 MR. ACEVEDO: Well, first of all, I want  
3 to let you know that I'm against this particular bill.

4 CHAIRMAN SMITH: Okay.

5 MR. ACEVEDO: Second of all is I've been  
6 an election judge here in Travis County for at least  
7 10 years. It doesn't surprise me that we're trying to  
8 suppress voter turnout. It doesn't surprise me. Here  
9 in Travis county we do have a heck of a turnout. But at  
10 the same time as an election judge, at any facet of the  
11 election process, the photo ID to me wouldn't and shall  
12 not be the thing that will make it -- make it possible  
13 for you to be able to vote. You have voter registration  
14 cards, and as a judge, you should be able to oversee  
15 that election and be able to see that the election is  
16 run properly and fairly.

17 With -- With that in mind, I also serve on  
18 the advisory board here in Travis County with elections.  
19 So all these things that we hear about voter fraud and  
20 different types of fraud, I tell you what, it seemed  
21 like to me like a lot of paranoia from a lot of folks  
22 that are not really willing to teach the process. I  
23 believe in teaching the process. I believe in the  
24 process. But for this type of bill to go forward and  
25 become law, where is the bucks coming from so we can



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1 continue to teach and be able to relate to the voters  
2 what it's all about?

3 We're having trouble right now keeping up  
4 with what is out there right now as the law has changed  
5 since HAVA came into play. So, folks, let me tell you,  
6 they say if it ain't broke, don't fix it. Well, if you  
7 think it's broke and you're trying to fix it, the best  
8 you can do is throw a lot of bucks into it so that we  
9 can have the money to train folks on the process and not  
10 just put another law into play that is just going to  
11 totally continue to confuse our voters.

12 We need voter turnout. It doesn't matter  
13 to me as a judge whether you're Republican, Democrat or  
14 otherwise, but we do need -- we do need folks to  
15 understand the process first and that avoids a heck of a  
16 lot of confusion. Thank you very much.

17 CHAIRMAN SMITH: Thank you too. Members,  
18 any questions? Representative Pena?

19 VICE-CHAIRMAN PENA: Fidel, how are you  
20 doing?

21 MR. ACEVEDO: Fine, sir.

22 VICE-CHAIRMAN PENA: I know that you live  
23 in the City of Austin, right?

24 MR. ACEVEDO: Yes, sir.

25 VICE-CHAIRMAN PENA: And I know that



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1 you've been working in the -- in the grassroots level  
2 with mainly in Hispanic populations across the State of  
3 Texas; is that right?

4 MR. ACEVEDO: That's true.

5 VICE-CHAIRMAN PENA: And based on your  
6 experience, you've heard some of the testimony earlier  
7 that in some states turnout actually went up. At least  
8 that's the allegation, but in your experience in dealing  
9 with the communities that you've worked with for many,  
10 many years, do you see this as having -- having an  
11 effect where voter turnout goes down or goes up?

12 MR. ACEVEDO: Well, I'm going to -- I'm  
13 going to reflect on what Todd's -- the representative --  
14 the chairman reflected to with the study, and he was so  
15 clear about the way this one study was referenced to the  
16 other, and the gap is so narrow. Well, I don't know  
17 where he gets all that information, but I can tell you,  
18 Chairman, that -- that you can take any study and you  
19 can make any kind of percentage look narrow or big,  
20 depending on the numbers. I can tell you for a fact  
21 that in the areas where I have been throughout the State  
22 of Texas, trying to teach this process and trying to  
23 keep up with the process, whether it was from  
24 Brownsville to El Paso, it's -- it just floors you to  
25 know that we could have better turnout if we could only



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1 reach those folks that we're trying to reach and trying  
2 to make big difference.

3 I would suspect since we don't have any  
4 data, that this would only hurt the minority  
5 communities.

6 CHAIRMAN SMITH: Tell me this. Is that  
7 the goal is to expand voter participation in your  
8 district?

9 MR. ACEVEDO: Exactly.

10 CHAIRMAN SMITH: Do we register more  
11 voters? Do we -- Some of these studies seem to indicate  
12 that we could register every voter in Texas, every human  
13 being in Texas, and the turnout would not materially  
14 change because you can't make them interested in  
15 government or politics. What -- What do you think would  
16 be the best means of expanding voter participation?

17 MR. ACEVEDO: Well, first of all, it's an  
18 education process, sir, and when we go to any school,  
19 high school, and try to bring voter registration -- as  
20 LULAC to try to participate and bring voter registration  
21 to any high school, unless you have specific directions  
22 from that principal or in Spanish, you are not going to  
23 get anywhere. They don't teach this process in high  
24 school. You learn by hook or crook one way or another  
25 that this is what your civic duty is.



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1 So, yes, I agree with you. You can arrest  
2 them all a hundred percent. You can ID them with their  
3 thumbprint and let them come in there. The technology  
4 data is there, but the idea of registering more voters,  
5 that's something that we're very heavy on trying to  
6 register as many voters as we can during voter  
7 registration. I do lead that effort here in the  
8 community. However, again, it's the beginning of the  
9 process and nothing's going to say that we're going to  
10 get a hundred percent participation.

11 CHAIRMAN SMITH: No. Do you think  
12 registering more voters will materially increase voter  
13 participation?

14 MR. ACEVEDO: I do believe so. If we have  
15 a follow-up, yes, sir.

16 CHAIRMAN SMITH: Okay. Any other  
17 questions members?

18 MR. ACEVEDO: Thank you, sir.

19 CHAIRMAN SMITH: Thank you for coming.  
20 Appreciate it. At this time the chair calls Eleazar  
21 Perez, Junior. Are you still with us? He's not  
22 testifying, but wishes to be shown in favor of Senate  
23 Bill 362. The chair calls Maria Leach speaking on  
24 behalf of the OWLS. This may be our last OWL --

25 MS. LEACH: Tired.



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1 CHAIRMAN SMITH: -- in favor of Senate  
2 Bill 362. Please state your name and who you represent.

3 MS. LEACH: Yes. I'm Mrs. Maria Leach.  
4 I'm from Edinburg, Texas from the same town of our  
5 representative, and we thank you for the opportunity.

6 CHAIRMAN SMITH: Who are you speaking on  
7 behalf of today?

8 MS. LEACH: I'm speaking on behalf of  
9 Senate Bill 362.

10 CHAIRMAN SMITH: Are you speaking on  
11 behalf of OWLS?

12 MS. LEACH: Yes.

13 CHAIRMAN SMITH: Okay.

14 MS. LEACH: And I am for it. We are for  
15 it.

16 CHAIRMAN SMITH: All right.

17 MS. LEACH: And you asked if we got paid  
18 for this? Yes, we do in thank yous, in appreciation.  
19 These people they are just, you know, thank you, thank  
20 you, thank you, because -- and I just tell them, you  
21 know, we're there to support you. I'm talking about  
22 Progresso people, and this is what makes our wanting to,  
23 you know, be there for them support them in their  
24 efforts and to get better government to do away with the  
25 corruption that they've seen and experienced. And they



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1 had a young lady that was going to testify here before  
2 you that she was paid, like Mrs. McClaugherty said, for  
3 voting for the mayor -- that's present mayor, and so,  
4 you know, there are problems.

5 And this is how we got involved with the  
6 town of Progresso because these people didn't know who  
7 to turn to. They were frustrated and we came to their  
8 aid. We encouraged them to stand up for their rights  
9 and to do the right thing, and -- and, you know, just  
10 getting a thank you, that means a lot to us because we  
11 feel like, well, maybe we are contributing a little bit  
12 of help to these people. And this is why we want this  
13 photo card because we think they have the problem that  
14 they get names and just present these cards with  
15 different names, and they can vote. You know, nobody's  
16 going to question them, and I think that if we are going  
17 to have elections that they should be honest, fair  
18 elections for everybody and that's, you know, my  
19 standing and the OWLS stand.

20 CHAIRMAN SMITH: We've heard your friends.  
21 Are there -- Are you aware of any allegations from  
22 conversations you've had with any other people? I don't  
23 suppose you personally witnessed it.

24 MS. LEACH: No, we did not.

25 CHAIRMAN SMITH: Where there is an



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1 allegation that someone went to the polls claiming to be  
2 somebody other than who they are.

3 MS. LEACH: No. We've just been told, and  
4 we believe these people that have told us because I  
5 don't think that, you know, they would be making up  
6 something that's not so. I mean, they're honest people.  
7 They're hard working people. Some of them miss jobs to  
8 come over here and, you know, try to -- to bring the  
9 case before you, and, of course, the state Attorney  
10 General has their case and they're saying -- but, you  
11 know, the thing is that they don't want us to testify  
12 about, you know, certain things, but the newspaper.

13 The Monitor there in McAllen, they've had  
14 front pages -- they've had front page stories about  
15 Progresso, what's going on, because they have had  
16 reporters. When we've been there, they've come to us,  
17 and they wanted to know what was going on, and, you  
18 know, so they are familiar with that too. So that's the  
19 kind of evidence that we have that, you know -- And we  
20 believe these people. I mean, I don't think that they  
21 have any reason to tell us otherwise.

22 CHAIRMAN SMITH: Any other questions  
23 members? Vice-chairman Pena?

24 VICE-CHAIRMAN PENA: We also hear  
25 complaints about another community. That's delta



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1 community, right?

2 MS. LEACH: Sure. That's correct.

3 VICE-CHAIRMAN PENA: We have --

4 MS. LEACH: Delta and --

5 VICE-CHAIRMAN PENA: We have complaints  
6 about LaJoya and Sullivan City.

7 MS. LEACH: Exactly. Yes.

8 VICE-CHAIRMAN PENA: And some of the other  
9 small communities around.

10 MS. LEACH: Right. Right.

11 VICE-CHAIRMAN PENA: Every time we have an  
12 election, there's allegations of corruption, right?

13 MS. LEACH: Right. M-hm. Yes. And I  
14 think that, like I said, the thing is that these people  
15 come to us because they know that they can trust us,  
16 that they can tell us, you know, whatever is bothering  
17 them or whatever they have seen, and, you know, I don't  
18 think that they have any reason to tell us otherwise. I  
19 don't think that they are fabricating these stories. I  
20 mean, we believe them because they are honest, hard  
21 working people, and all they want is for some -- you  
22 know, to have clean elections so that they can have --  
23 you know, that their votes will count for the people  
24 that they're voting for.

25 VICE-CHAIRMAN PENA: Let me just end by



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1 saying thank you for coming and thank you for assisting  
2 people, and we're going to do our very best to find a  
3 solution to this.

4 MS. LEACH: We hope you do, and we thank  
5 you for the opportunity also that -- You know, like I  
6 said, we just want the right thing for these -- for all  
7 of us -- for all of us because I think that we as  
8 taxpayers and as voters, you know, that's a very -- a  
9 right that we have, and we -- you know, we want to be  
10 sure that when we vote for the person that we think  
11 would do the best job for us would be an honest vote,  
12 and nobody will, you know, be getting that vote and  
13 putting it in the trash or whatever. Thank you so much.

14 CHAIRMAN SMITH: Just a minute. If you  
15 don't mind. Representative Brown?

16 REPRESENTATIVE BROWN: And our chairman  
17 has given information to read these and before I do, my  
18 staff person has checked with the Attorney General. The  
19 gentleman that was here from the Attorney General's  
20 office, and we have clearance to read these because they  
21 are in the public record and these are the affidavits --

22 MS. LEACH: The affidavits.

23 REPRESENTATIVE BROWN: -- by these people  
24 that have already left us?

25 MS. LEACH: Right.



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1 REPRESENTATIVE BROWN: But I'm just going  
2 to read right quick -- there's just three or four of  
3 them here -- that I think it might help people to  
4 understand a little bit about what they're facing and  
5 why they did go to such lengths.

6 MS. LEACH: I can get my copy. I have a  
7 copy.

8 REPRESENTATIVE BROWN: All right. We have  
9 them. I have them right here. Thank you. And her name  
10 is Maricela Infante (phonetic), date of birth 10/4/62,  
11 resides in Progresso, Texas, and of sound mind and over  
12 the age of 18 and state the following: I was appointed  
13 as a poll watcher for the Progresso ISD School Board  
14 election by the candidate, Eleazar Perez, Junior. On  
15 April 28th, '08 on or about 8:30 a.m., Mrs. Maria Isabel  
16 Vela was allowed to enter and vote without providing an  
17 ID or a voter registration card. On April 28th, '08, on  
18 or about 10 a.m., Mr. Guadalupe Vela was allowed to  
19 enter and vote without providing an ID or a voter  
20 registration card. On April 28th on or about 2 p.m., a  
21 voter by the name of Jimmy Vasquez walked in to vote but  
22 with a voter registration card with the name of Juan  
23 Pablo Maldonado. Priscilla, the clerk, told him he was  
24 not Juan Pablo Maldonado. When the voter was asked for  
25 an ID, he turned around and walked out. Mr. -- I don't



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1 know what the first name is -- but Rocha was the last  
2 name, the presiding judge, told Priscilla, the clerk, to  
3 confiscate the voter's registration card. The election  
4 clerk kept the voter's registration card. Various  
5 people were allowed to vote with an expired voter  
6 registration card and were asked not to and were not  
7 asked to provide an ID. As a poll watcher, I continued  
8 to observe the election judge and other election staff  
9 stand close by the voting machines while the voters  
10 voted. They were being intimidated to vote their way.  
11 And she has signed it here and there's the date.

12 The next one was Abigail Infante, a date  
13 of birth, January 3rd, '86, residing in Progresso,  
14 Texas, and of sound mind and over the age of 18 to state  
15 the following: I was appointed as a poll watcher for  
16 the Progresso ISD School Board election by a candidate,  
17 Eleazar Perez, Junior, held on May 10th, 2008. On  
18 April 28th, '08, around 8:30, Maria Isabel Vela came in  
19 to vote without showing an ID or voter registration card  
20 and then there's the next -- the next time around 10,  
21 Guadalupe Vela voted -- voted without showing an ID and  
22 so on, and then April 28th around 2 p.m., a voter by the  
23 name of Jimmy Vasquez went in to vote and when he showed  
24 his voter registration card, Priscilla told him you're  
25 not Juan Pablo Maldonado, you're Jimmy Vasquez, and then



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1 Jimmy answered "Yes, I am." Then Jerry Jasso (phonetic)  
2 Junior asked him for an ID and Jimmy walked out. Then  
3 Judge Rocha told the clerks to confiscate the voter  
4 registration card, and so on, and that's -- that's  
5 the -- very, very similar to the first one.

6 And then this one is from a Simon Torres,  
7 it looks like, from Progreso, and also over the age of  
8 18. I participated in the Progreso School -- ISD  
9 School Board election held on May 10th, 2008. I state  
10 that on Monday, April 28th, '08, I was brought to the  
11 Progreso ISD School election site by Lorenzo Castillo  
12 who handed me a voter's registration card to participate  
13 in the elections. He stated they would pay for me to go  
14 vote and vote for Juan Ramos (phonetic), Michael Vela  
15 and David Hernandez. I proceeded to go in and cast a  
16 vote with the registration card that belonged to Alfredo  
17 Maldonado. After I went in to vote, I was paid \$10 by  
18 Jose Guadalupe Vela, and at this time Mr. Lorenzo  
19 Castillo took the card from my possession. And the next  
20 is in Spanish, and I think that's about it.

21 MS. LEACH: Right.

22 REPRESENTATIVE BROWN: But that gives us  
23 an idea of what she's testifying to.

24 MS. LEACH: Right. Yes.

25 REPRESENTATIVE BROWN: And these are all



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1 notarized --

2 MS. LEACH: Right. Yes.

3 REPRESENTATIVE BROWN: -- affidavits.

4 MS. LEACH: And these people, all they  
5 want is a chance because they've said that if they can  
6 just like put their own candidates on the ballot and if  
7 they lose, they want it to be fair, not -- not, you  
8 know, by trick or, you know, like these people are doing  
9 it right now and that's all. They just want a fair  
10 chance, and we thank you for the opportunity too.

11 REPRESENTATIVE BROWN: Thank you. We  
12 appreciate what you're doing very much.

13 MS. LEACH: Thank you.

14 CHAIRMAN SMITH: Representative Pena?

15 VICE-CHAIRMAN PENA: Yeah. This is not so  
16 much a question for you, Maria. I just want to make a  
17 statement into the record.

18 MS. LEACH: Okay.

19 VICE-CHAIRMAN PENA: Mr. Chairman, I'm  
20 going to object because when the representative from the  
21 AG's office was present, he asked us not to go into this  
22 matter, and I out of respect for his request did not  
23 seek to examine the witnesses who were present, and now  
24 we've had affidavits read into the record without the  
25 ability of examination. And so I object on a



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1 fundamental fairness basis. I just want to make that  
2 statement.

3 MS. LEACH: Okay. Thank you.

4 VICE-CHAIRMAN PENA: Because I would have  
5 examined these. Look, let me ask you a question.

6 MS. LEACH: M-hm.

7 VICE-CHAIRMAN PENA: There's always  
8 allegations of corruption, and certainly in the valley,  
9 any time any side loses, there's allegations of  
10 corruption. It's usually after examination that we find  
11 out whether or not it's real or not, right?

12 MS. LEACH: M-hm.

13 VICE-CHAIRMAN PENA: And so what I've said  
14 here which is that when we read these affidavits, I have  
15 no way of determining whether or not they're true or not  
16 because the witnesses aren't here anymore, and it's  
17 really not a statement to you. It's just a --

18 MS. LEACH: I understand what you are  
19 saying.

20 VICE-CHAIRMAN PENA: It's something I  
21 wanted to say into the record.

22 MS. LEACH: Okay. Thank you very much.  
23 Well, have a good night.

24 CHAIRMAN SMITH: I have questions. Thank  
25 you, and -- and -- and were you here when the Attorney



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1 General was here?

2 MS. LEACH: Yes.

3 CHAIRMAN SMITH: So I just want to  
4 reiterate what he said.

5 MS. LEACH: M-hm.

6 CHAIRMAN SMITH: I can't prevent you from  
7 answering any questions, nor would I try. I can't  
8 prevent Representative Anchia from asking any questions,  
9 nor would I try, but it is -- it is my intent to ensure  
10 that as much information is available as possible  
11 without compromising any criminal investigation that may  
12 be presently underway. And the Attorney General's  
13 office is the one who has -- who has instructed the  
14 committee with regard to what is acceptable and what is  
15 not acceptable.

16 He has indicated in the hearing today,  
17 that to the extent that you answer questions about the  
18 details of any ongoing investigation, that because your  
19 testimony is not something that is already a matter of  
20 public record, unlike these documents which are, that it  
21 has the potential -- and I'll let him determine later  
22 where that line is drawn, but it has the potential to  
23 preclude law enforcement officers in the State of Texas  
24 from being able to prosecute certain of these  
25 allegations and get to the point where we can be certain



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1 of whether or not they are or are not true. Everybody  
2 will agree that these affidavits are nothing more than a  
3 particular individual's statement in writing. That's  
4 all it is.

5 MS. LEACH: Right.

6 CHAIRMAN SMITH: It could be true, it  
7 could be false, just like a lot of stuff that we've  
8 heard over the last 48 hours during this -- during this  
9 hearing. It is and can be taken for whatever it's  
10 worth, nothing more and nothing less.

11 And so with that instruction, you  
12 understand that you are free to answer these questions.  
13 You are free not to answer these questions depending  
14 upon what the question is and whether you feel like it  
15 has the potential to undermine any prosecution in the  
16 State of Texas. Representative Anchia?

17 REPRESENTATIVE ANCHIA: My question is for  
18 Representative Brown. What was the purpose of reading  
19 those into the record after the admonition that we had  
20 received from the Attorney General both last night and  
21 today?

22 REPRESENTATIVE BROWN: Well, to begin  
23 with, these were statements that as I understand it that  
24 have been made in the senate prior, and they are a  
25 matter of public record. That's what we were told by



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